

## Interview Summary

Application No.

08/473,789

Applicant(s)

Curtiss et al

Examiner

V. Ryan

Group Art Unit

1641



All participants (applicant, applicant's representative, PTO personnel):

(1) V. Ryan

(3) \_\_\_\_\_

(2) B. Hodges

(4) \_\_\_\_\_

Date of Interview Apr 30, 1998

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☐ was not reached.

Claim(s) discussed: \_\_\_\_\_

Identification of prior art discussed:

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The attorney was informed that the After Final Amendment will not be entered because the addition of claim 39 adds new matter that is not supported by the specification. Specifically, the claims recites "the essential gene does not encode a trans regulatory element for the lethal gene". Although page 19 was cited as providing support for the limitation, there is no clear support for this limitation in the specification.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

V. Ryan

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.